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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/609,891

07/05/2000

Joseph W. Luciano

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08/12/2004

LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
BLDG. 082-1  
LEXINGTON, KY 40550-0999

EXAMINER

GARCIA, GABRIEL I

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/609,891

Applicant(s)

LUCIANO ET AL.

Examiner

Gabriel I Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/22/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-12 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 24-26 is/are allowed.
- 6) ☐ Claim(s) 1,2, and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 19.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## Part III DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>9</sup> of this title before the invention thereof by the applicant for patent.

2. Claims 1-2 and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (6,529,522).

With regard to claim 1, Ito et al. teaches a photoprinter configuration (e.g. figure 3), a digital camera (201) comprising a viewable display (307) and one or more selection mechanisms (see fig. 3, items 301-305); and a photoprinter (202) capable of processing and printing digital files independent of an external host device (see fig. 3, which depicts how the camera and printer interact independent of an external host device) and connected to the digital camera via a communication link (see fig. 3), the photoprinter being operative to control the viewable display of the digital camera (reads on col. 12, lines 5-9, col. 15, lines 38-60, col. 16-37, col. 17, lines 45-46, col. 18, lines 1-9, col.

20, lines 50-58, and col. 24, lines 1-16), and wherein processing the digital files comprises calculating a pixel pattern to be printed on a printable medium (reads on col. 20, lines 50-67).

With regard to claim 2, Ito et al. teaches the photoprinter is further operative to direct a result from a user's input to the selection mechanisms (reads on col. 15, lines 38-60, col. 16, lines 15-37, and col. 17, lines 45-46).

With regard to claim 6, Ito et al. further teaches means for controlling the digital camera by the photoprinter (reads on col. 15, lines 38-60, col. 16, lines 15-37, and col. 17, lines 45-46).

With regard to claim 7, the limitations of claim 7, are covered by the limitations of claims 1,2 and 6 above.

With regard to claim 8, Ito et al. further teaches the instructions are operative to preview digital photographs on the viewable display (inherently reads on col. 15, lines 38-60, col. 16, lines 15-37, and col. 17, lines 45-46).

With regard to claims 9-10, the limitations of claims 9-10, are covered by the limitations of claims 1,2 and 6 above.

With regard to claim 11, Ito et al. teaches to select digital photographs for printing based on input to the selection mechanism (inherently reads on col. 15, lines 38-60, col. 16, lines 15-37, and col. 17, lines 45-46).

With regard to claim 12, Ito et al. teaches to modify a printed rendition of digital photographs based on input to the selection mechanism (reads on col. 20, lines 59-67).

### **Conclusion**

3. Claims 24-26 are being allowed over the prior art of record. The prior art of record does not teach (in combination with all other features in the claims) a printer configuration wherein the stand alone printer comprises a universal serial bus device controller, a universal serial bus host controller, and a processor interface operative to control the universal bus device controller and universal serial bus host controller.

4. Applicant's arguments filed 4/22/04 have been fully considered but they are not persuasive.

With respect to Applicant's argument throughout the remarks that prior art of record (e.g. Ito et al. '522) does not teach the photoprinter being operative to control the viewable display of the digital camera. Examiner asserts that Ito et al. '522 teaches the photoprinter being operative to control the viewable display of the digital camera (reads on col. 12, lines 5-9, col. 15, lines 38-60, col. 16-37, col. 17, lines 45-46, col. 18, lines 1-9, col. 20, lines 50-58, and col. 24, lines 1-16). Clearly,

col. 12, lines 5-9 describes how the printer can control the function of the printer and camera by using the interface B 310, and col. 17, line 38 thru col. 18, line 12, describes how the printer is provided with the functions of the digital camera, allowing the user at the printer to review or control the display of the camera.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I.

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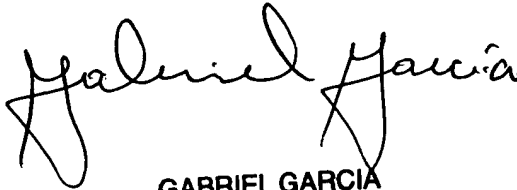
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Garcia whose telephone number is (703) 305-8751. The examiner can normally be reached Monday thru Thursday from 7:30AM-6:00PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.  
or faxed to:

(703) 872-9314 (official or unofficial)

Gabriel I. Garcia  
Primary Examiner  
August 6, 2004



GABRIEL GARCIA  
PRIMARY EXAMINER